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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,170	07/31/2003	Janice M. Golda	ITL.1019US (P16706)	1421
21906	7590	05/18/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			PICKETT, JOHN G	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,170

Applicant(s)

GOLDA, JANICE M.

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-7,21-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-7,21-23 and 25-31 is/are allowed.
- 6) ☒ Claim(s) 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action acknowledges the applicant's amendment submitted 21 February 2006. Claims 1, 4-7, 21-23, and 25-35 are pending in the application. Claims 2, 3, 8-20, and 24 have been canceled. Claims 34 and 35 are new.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Allowable Subject Matter***

3. In the Office Action of 16 November 2005, the claims 2, 5, 21, 22, 26, and 26 were objected to as being dependent upon a rejected base claim, but were considered to contain allowable subject matter.
4. Amended claim 1 incorporates the subject matter of claim 2 and appears to define over the prior art since the source is placed under and external to the carrier. Claims 4-7, 21, and 22 are dependent on claim 1.
5. Amended claim 23 recites the reticle within a shipping box and creates a temperature gradient within the box. This gradient creation, in combination with the other claimed steps, appears to define over the prior art. Claims 25-31 are dependent on claim 23.

6. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Claim Rejections - 35 USC § 103***

7. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelopoulos et al (US 6,543,617; hereinafter Angelopoulos) in view of Tyree (US 5,979,173).

Claim 32: A reticle is a photo-mask used in a stepper. Angelopoulos discloses a reticle 1 (see for example Col. 5, lines 12-16) on a carrier 3 inside an antistatic bag 4 (see for example, Example 5) for the long-term storage of the reticle, and for said purpose its provision would have been obvious.

Tyree discloses a thermophoretic source 60 that does not require an external power source in a shipping container 20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transport the reticles of Angelopoulos in a rail car as taught by Tyree in order to move the reticles from one location to another while limiting the exposure of the reticles to heat. Reticles transported in such a manner would be protected from particle contamination.

Claim 33: Tyree provides dry ice 60.

Claim 34: Angelopoulos discloses a reticle 1 (see for example Col. 5, lines 12-16) on a carrier 3 inside an antistatic bag 4 (see for example, Example 5) for the long-term storage of the reticle, and for said purpose its provision would have been obvious.

Tyree discloses a thermophoretic source **60** that does not require an external power source in a shipping container **20**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transport the reticles of Angelopoulos in a rail car as taught by Tyree in order to move the reticles from one location to another while limiting the exposure of the reticles to heat. Reticles transported in such a manner would be arranged with the thermophoretic source above the carrier and therefore positioned with respect to the carrier to protect the reticle from particle contamination, such as falling debris.

Claim 35: Tyree positions the source **60** and the cargo (i.e. the reticles) within a container **20**.

### ***Response to Arguments***

8. Applicant's arguments filed 21 February 2006 have been fully considered but they are not persuasive. Amended claim 32 and new claim 34 do not provide the thermophoretic source in a specific location within the shipping container, nor do they recite the creation of a temperature gradient within the shipping container. The language of claim 32 is broad enough to read that it is the container, and not the thermophoretic source, that prevents particles from contaminating the reticles during shipment. Claim 34, as presented, merely places the source anywhere with respect to the carrier that may protect the reticle from particle contamination, including above the reticle. While thermophoresis is mostly ineffective when positioned above an article (due to the effects of gravity on the particles), virtually any structure above the reticle in

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effect protects the reticle from particle contamination by interfering with falling debris.

Therefore the rail car of Tyree, which is considered a container, provides a self-contained thermophoretic source (the dry ice **60**), and protects the reticles from particle contamination by interfering with falling debris. While it is recognized that these are very broad readings of the claim language, it must be noted that the claims themselves are very broad. And in accordance with MPEP 2111.01, during examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Greg Pickett  
Examiner  
13 May 2006

  
JILA M. MOHANDESI  
PRIMARY EXAMINER